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2 Authority Conferred by 28 U.S.C. § 515
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Attorneys for Plaintiff
10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 SOUTHERN DIVISION

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.

17 LINDA MARTIN,
18 Defendant.
19
20
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No. SA CR 16-014-JLS

STIPULATION AND REQUEST FOR ENTRY
OF PERSONAL MONEY JUDGMENT OF
FORFEITURE

[No hearing requested]

22 Plaintiff United States of America, by and through its counsel
23 of record, the United States Attorney's Office for the Central
24 District of California and Assistant United States Attorneys Joseph
25 T. McNally, Scott D. Tenley, and Ashwin Janakiram, and defendant
26 Linda Martin, both individually and by and through his counsel of
27 record, Anne Hwang, hereby stipulate and request that the Court enter
28 the proposed personal money judgment of forfeiture, lodged

1 concurrently herewith, in the amount of \$200,000 against defendant
2 Linda Martin ("defendant").

3 The parties' stipulation and request is made on the following
4 grounds:

5 1. On January 18, 2016, defendant entered into a plea
6 agreement in the case captioned United States v. Linda Martin, No. SA
7 CR 16-014-JLS, pursuant to which she agreed to plead guilty to
8 conspiracy, in violation of 18 U.S.C. § 371. (CR 6 at ¶ 2(a).)

9 2. The entry of a judgment of forfeiture is specifically
10 authorized by Rule 32.2 of the Federal Rules of Criminal Procedure
11 and is part of the defendant's sentence. Rule 32.2(c)(1) provides
12 that "no ancillary proceeding is required to the extent that the
13 forfeiture consists of a money judgment."

14 3. In entering into this stipulation and request, defendant
15 expressly waives the requirements of Federal Rules of Criminal
16 Procedure 32.2. and 43(a) regarding notice of forfeiture in the
17 charging instrument, pronouncement of forfeiture at sentencing, and
18 incorporation of forfeiture in the personal money judgment of
19 forfeiture. Defendant further agrees to immediate entry of the
20 Judgment, and that the personal money judgment of forfeiture shall
21 become final as to her upon entry.

22 4. In entering into this stipulation and request, defendant
23 knowingly, voluntarily, and intelligently waives any right she may
24 have had to challenge entry of the personal money judgment of
25 forfeiture based upon the Excessive Fines Clause of the Eighth
26 Amendment to the United States Constitution.

27 5. Accordingly, defendant stipulates and agrees to the entry
28 of personal money judgment of forfeiture against defendant in the

1 amount of \$200,000, which sum defendant admits constitutes proceeds
2 received from the commission of violations of 18 U.S.C. § 371, and
3 which judgment defendant agrees can be enforced against any assets
4 owned by defendant.

5 6. The USAO shall notify the Court upon defendant's
6 satisfaction of this personal money judgment of forfeiture.¹

7 7. The parties respectfully request that the Court enter the
8 parties proposed personal money judgment of forfeiture in the form
9 attached hereto.

10 Dated: July 2, 2018

Respectfully submitted,

11 TRACY L. WILKISON
12 Attorney for the United States,
13 Acting Under Authority Conferred by
28 U.S.C. § 515

14 LAWRENCE S. MIDDLETON
15 Assistant United States Attorney
Chief, Criminal Division

16 /s/
17 SCOTT D. TENLEY
Assistant United States Attorneys
18 Attorneys for Plaintiff
19 UNITED STATES OF AMERICA
20

21 Dated: July __, 2018

22 LINDA MARTIN
23 Defendant

24 Dated: July __, 2018

25 ANNE HWANG
26 Attorney for Defendant LINDA MARTIN

27
28 ¹ The parties agree that certain payments to entities other than
the USAO, such as any fine or court-ordered restitution, shall be
credited against this personal money judgment of forfeiture.

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15 Assistant United States Attorney
Chief, Criminal Division

16 /s/

17 SCOTT D. TENLEY
Assistant United States Attorneys

18 Attorneys for Plaintiff
19 UNITED STATES OF AMERICA

20
21 Dated: July 12, 2018

22 
23 LINDA MARTIN
24 Defendant
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17 SCOTT D. TENLEY
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19 UNITED STATES OF AMERICA

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21 Dated: July __, 2018

22 LINDA MARTIN
23 Defendant

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26 ANNE HWANG
Attorney for Defendant LINDA MARTIN

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